

To Be Secretary of State:

Edward Clark, of Austin, Travis County, for a two-year term beginning January 19, 1937.

To Be State Tax Commissioner:

Albert K. Daniel, of Crockett, Houston County, for the remainder of the unexpired term of Marvin Hall, resigned, who was appointed to succeed R. B. Anderson, resigned, in November, 1936, and for the full two-year term beginning January 22, 1937.

To Be Members of the State Unemployment Compensation Commission:

R. B. Anderson, of Cleburne, Johnson County (Chairman).

Wallace Reilly, of Austin, Travis County (to represent labor).

C. R. Miller, of Austin, Travis County (to represent employers).

To Be a Member of the State Board of Veterinary Medical Examiners:

A. B. Rich, of Austin, Travis County, to succeed Dr. Fred A. Murray, deceased.

Respectfully submitted,

JAMES V. ALLRED.

Governor of Texas.

Executive Office,

Austin, Texas, Jan. 13, 1937.

To the Senate of the Forty-fifth Legislature (In Regular Session):

I ask the advice, consent and confirmation of the Senate to the following appointment:

To Be a Notary Public in and for Chambers County:

Ira A. Hankamer, Hankamer, Texas.

Respectfully submitted,

JAMES V. ALLRED.

Governor of Texas.

Adjournment.

On motion of Senator Rawlings, the Senate, at 12:50 o'clock p. m., adjourned until 10 o'clock a. m. tomorrow.

THIRD DAY.

(Thursday, January 14, 1937.)

The Senate met at 10 o'clock a. m., pursuant to adjournment, and was called to order by the President.

The roll was called, and the following Senators were present:

Aikin.
Beck.

Brownlee.
Collie.

Cotten.
Davis.
Head.
Hill.
Holbrook.
Isbell.
Lemens.
Moore.
Neal.
Nelson.
Newton.
Oneal.

Pace.
Rawlings.
Redditt.
Roberts.
Shivers.
Sulak.
Van Zandt.
Weinert.
Westerfeld.
Winfield.
Woodruff.

The following Senators were absent and excused:

Burns.
Small.

Spears.
Stone.

A quorum was announced present.

The invocation was offered by the Chaplain.

The reading of the Journal of the proceedings of yesterday was dispensed with, on motion of Senator Aikin.

Leaves of Absence Granted.

On motion of Senator Head, the following leaves of absence were granted:

Senator Burns, for today, on account of important business.

Senator Small, for today, on account of important business.

Senator Spears, for today, on account of important business.

On motion of Senator Collie, Senator Stone was granted leave of absence for today on account of illness.

Senate Bills on First Reading.

The following Senate bills were introduced, read severally first time, and referred by the President to appropriate committees, as follows:

By Senator Davis:

S. B. No. 37, A bill to be entitled "An Act providing that it shall be unlawful to kill, take or possess any of the game birds, game animals, fur-bearing animals or fish of this State, except in compliance with regulations promulgated by the Game, Fish and Oyster Commission; providing that the Game, Fish and Oyster Commission shall make adequate investigations to determine from time to time conditions affecting the game birds, game animals, fur-bearing animals or fish of this State; providing the facts that shall be determined from such investigations and

that on the basis of such facts regulations shall be promulgated for the taking and conservation of the game birds, game animals, fur-bearing animals and fish of this State, in the State as a whole or in any portion of same; providing the methods of issuing such proclamations; repealing all laws regulating the taking, killing or possessing of game birds, game animals, fur-bearing animals or fish; providing suitable penalties for violation of this Act or any regulations issued hereunder; providing that any regulations issued under the provisions of this Act shall be deemed valid until proven otherwise, and declaring an emergency."

Referred to Committee on Game and Fish.

By Senator Davis:

S. B. No. 38, A bill to be entitled "An Act to control the orderly conservation and development of the underground waters of the State in compliance with the intent and command of Section 59a, b, and c, of Article XVI of the Constitution of the State of Texas; defining certain words and phrases as used in the Act; declaring all underground waters in this State to be public water subject to appropriation in the same manner as now are or hereafter may be provided by law for the control of surface waters; providing that the Board of Water Engineers may formulate and promulgate administrative orders, or modes of procedure or limitations for the appropriation of underground water; excepting from the provisions of the Act, water reasonably required for household use, watering livestock and yard vegetations and gardens when developed for individual use; providing for certain limitations on rights acquired under this Act; providing for granting permits by the State Board of Water Engineers to appropriate underground water; amending Section 2 of Chapter 280, Acts of the Regular Session, Forty-first Legislature by adding a new subdivision (h) and providing for the creation of Districts for the purpose of developing projects for the diversion, control, preservation of purity and potability of underground water and the prudent use thereof; providing for the control and abatement of waste

of underground water by District or by Board of Water Engineers; providing for control of the development and diversion of underground water; prescribing a penalty for the taking or diversion of underground water without a permit; providing a saving clause and declaring an emergency."

Referred to Committee on Mining, Irrigation and Drainage.

By Senator Rawlings:

S. B. No. 39, A bill to be entitled "An Act to amend Section 5, Article 827a, of the Penal Code (Acts of the Regular Session, Forty-second Legislature, Chapter 282, page 507), regulating the size of commercial motor vehicles and semi-trailers; fixing the load limit that may be transported on commercial vehicles and combinations of such vehicles outside the limits of an incorporated city or town; fixing the number of pounds per inch width of tire upon any wheel concentrated upon the surface of the highway; fixing the load limit to be transported upon truck-tractor and semi-trailer combinations under certain conditions; and declaring an emergency."

Referred to Committee on State Highways and Motor Traffic.

By Senators Holbrook and Small:

S. B. No. 40, A bill to be entitled "An Act creating a State Bar, defining the powers thereof, constituting it an administrative agency of the judicial department of the State; prescribing the membership thereof, prohibiting non-members and persons suspended therefrom practicing law, empowering the Supreme Court to adopt and promulgate rules and regulations for the conduct thereof, code of ethics governing the conduct of members and the practice of the law, establishing practice and procedure for disciplining, suspending, and disbarring attorneys at law, prescribing the fees to be paid by members, collection and disbursement thereof providing for repeal of all laws in conflict; and declaring an emergency."

Referred to Committee on Civil Jurisprudence.

By Senator Lemens:

S. B. No. 41, A bill to be entitled "An Act making certain emergency appropriations out of the General Fund of the State of Texas for the

Board of Water Engineers' Department for the balance of the fiscal year ending August 31, 1937, and declaring an emergency."

Referred to Committee on Finance.

By Senator Winfield:

S. B. No. 42, A bill to be entitled "An Act amending Article No. 1048, Title No. 28, of the General Statutes of the State of Texas, providing for the appointment and sitting of a board of equalization for cities and towns of this State so as to allow members of the city council to sit on the board of equalization, and declaring an emergency."

Referred to Committee on Towns and City Corporations.

By Senator Winfield:

S. B. No. 43, A bill to be entitled "An Act providing that a deplorable condition existing in that area of the State included in the Counties of Loving, Reeves, Ward and Pecos, has produced a condition which is declared to be a public calamity and making a grant of funds to Red Bluff Water Power Control District to pay principal and interest on bonds issued to provide funds to construct a large storage reservoir on the Pecos River for irrigation of the lands within such district and the construction of a hydro-electric plant and electric distribution system, and providing for the handling of such funds, the payment thereof, and providing a grant of all of the net amounts of the annual current State ad valorem taxes that may be collected from the property and from persons in said Counties of Loving, Reeves, Ward and Pecos, which would otherwise go into the General Revenue Fund of the State of Texas, (including the rolling stock belonging to railroad companies which shall be ascertained and apportioned as now provided by law), and providing that the amount so granted shall not exceed in any one year the sum of Eighty-five Thousand Dollars (\$85,000.00) and further limiting the amount granted to an amount not to exceed in any one county the sum that would be produced for any current year by the levy of the then current State ad valorem tax for General Revenue purposes on the valuation of said county as shown by the Comptroller's records for the year 1936 and that all sums collect-

ed in excess of such amount shall continue to go into the General Revenue Fund of the State, and providing for the payment of the amounts so granted into the State Treasury as a trust fund and the payment of same by the State Treasurer to Red Bluff Water Power Control District for the purposes for which same is granted for a term of years, and declaring an emergency."

Referred to Committee on State Affairs.

By Senator Aikin:

S. B. No. 44, A bill to be entitled "An Act validating, confirming, approving and legalizing all proceedings had by cities and towns, including home rule cities, in the issuance and sale of bonds, and in holding elections passing orders, ordinances and resolutions authorizing the issuance of such bonds, and further validating all proceedings in voting and authorizing the issuance of bonds heretofore authorized, but not yet issued and sold, prescribing the terms and conditions upon which such bonds shall be validated; providing that this Act shall not apply to any such proceedings, obligations issued thereunder, the validity of which has been contested or attacked in a pending suit or litigation, and declaring an emergency."

Referred to Committee on Civil Jurisprudence.

By Senators Van Zandt, Cotten and Isbell:

S. B. No. 45, A bill to be entitled "An Act providing a school census code for the State of Texas; amending Article 2816 of the Revised Civil Statutes of Texas of 1925, relating to the taking of census; amending Article 2817 of the Revised Civil Statutes of Texas of 1925, relating to the duty of census trustee; amending Article 2818 of the Revised Civil Statutes of Texas of 1925, as amended by the Forty-second Legislature, Second Called Session, Chapter 24, relating to county line districts; amending Article 2819 of the Revised Civil Statutes of Texas of 1925, relating to duty of county superintendent; amending Article 2820 of the Revised Civil Statutes of Texas of 1925, relating to duty of State Superintendent; amending Article 2821 of the Revised Civil Statutes of Texas of 1925, relating to compensation;

amending Article 2696 of the Revised Civil Statutes of Texas of 1925, as amended by the Forty-fourth Legislature, Regular Session, Acts of 1935, relating to application to transfer; amending Article 2698 of the Revised Civil Statutes of Texas of 1925 and as amended by the Forty-second Legislature, First Called Session, Chapter 37, Acts of 1931, relating to emergency transfers; repealing Article 2822 of the Revised Civil Statutes of Texas of 1925, relating to independent districts and appointment of census trustees; repealing Article 2817a of the Revised Civil Statutes of Texas of 1925, Acts of the Forty-second Legislature, 1931, Regular Session, Chapter 33, relating to who shall make oath; providing for birth certificates and annual growth; providing for transfers in equalization districts; prohibiting supplements; and declaring an emergency."

Referred to Committee on Educational Affairs.

By Senator Beck:

S. B. No. 46, A bill to be entitled "An Act amending Article 2484, Revised Civil Statutes of 1925, as amended by Act of 1929, Forty-first Legislature, Second Called Session, Chapter 85, page 168, Section 1, requiring certain reports to be made to the Banking Commissioner, and prescribing the time for filing such reports, the fees therefor, prescribing penalty for failure to file; exempting such associations from all franchise or other license tax; and declaring an emergency."

Referred to Committee on Banking.

By Senators Cotten and Van Zandt:

S. B. No. 47, A bill to be entitled "An Act to carry into effect Section 48a of Article III of the Constitution; to establish a Teachers' Retirement System of Texas; to determine membership and conditions of membership in said system; to provide for a board of trustees of said system and for the administration of its affairs; to provide for officers and a medical board and to define their duties; to provide for the adoption of actuarially-made mortality, service and other tables as may be deemed necessary; to provide for the creation, management and distribu-

tion of the Teacher Savings Fund, the State Accumulation Fund, the Annuity Reserve Fund, the Interest Fund, the Permanent Retirement Fund, and the Expense Fund of the said system; and to provide a method of financing said system, etc., and declaring an emergency."

Referred to Committee on Educational Affairs.

By Senator Westerfeld:

S. B. No. 48, A bill to be entitled "An Act to amend Article 8308, part 3, Sections 1 and 2, and Article 8309, part 4, Section 1, of Title 130, of the Revised Civil Statutes of the State of Texas, 1925, relating to Employers Insurance Associations and definitions of Workmen's Compensation Law, and declaring an emergency."

Referred to Committee on Insurance.

By Senator Westerfeld:

S. B. No. 49, A bill to be entitled "An Act to amend Article 8308, Section 2, Chapter 25, Title 130, Revised Civil Statutes of Texas, 1925, relating to the Texas Employers Insurance Association and providing for the appointment of a board of directors by the Governor, fixing the term of their office; providing for the election of their successors, and providing how the number of directors may be increased or decreased at the annual meeting; to provide the qualifications for such directors and the officers and employees of the association, and providing that the salary of any officer, director, or employee of the association shall not exceed six thousand (\$6,000.00) dollars per year, and declaring an emergency."

Referred to Committee on Insurance.

By Senator Westerfeld:

S. B. No. 50, A bill to be entitled "An Act to amend Chapter 8 of Title 42 of the Texas Revised Civil Statutes of 1925, by adding thereto Article 2190a, providing that it shall not be misconduct for a jury to know and discuss the effect of answers to issues; and declaring an emergency."

Referred to Committee on Civil Jurisprudence.

By Senator Westerfeld:

S. B. No. 51, A bill to be entitled "An Act repealing Article 6701b,

Section 1, of the Revised Civil Statutes of 1925, as enacted by the Acts of 1931; Forty-second Legislature, page 37, Chapter 225, and declaring an emergency."

Referred to Committee on Civil Jurisprudence.

By Senator Westerfeld:

S. B. No. 52, A bill to be entitled "An Act to simplify procedure in the appellate courts by limiting reversals to errors but for which a different judgment probably would have been entered; and declaring an emergency."

Referred to Committee on Civil Jurisprudence.

By Senator Oneal:

S. B. No. 53, A bill to be entitled "An Act prohibiting the building or erecting within five hundred (500) feet of the central line of any designated state highway or federal highway in the State of Texas, a line to carry or transmit electric power or energy in excess of thirty thousand (30,000) volts; and to prohibit the operating or maintaining of such line built or erected after the effective date of this Act; providing that it shall be lawful for such line to be built across designated highways and within the limits of incorporated cities and towns or within areas extending one (1) mile from the limits of such incorporated city or town; prescribing penalties for the violation of such Act and providing for the enjoining of any person, association or corporation in suit brought by the Attorney General or by the district or county attorney of any county in which such violation or violations may occur; and declaring an emergency."

Referred to Committee on State Affairs.

By Senator Redditt:

S. B. No. 54, A bill to be entitled "An Act making an appropriation for the payment of the increase in salaries of the several constitutional officers of the State of Texas as authorized by constitutional amendment voted November 3, 1936; fixing the salaries and providing method of payment of these salaries; supplementing the original appropriation made by the Forty-fourth Legislature for the payment

of salaries to these officials, and declaring an emergency."

Referred to Committee on Finance.

Message From the House.

A Clerk from the House was recognized to present the following message:

Hall of the House of Representatives.

Austin, Texas, Jan. 14, 1937.

Hon. Walter F. Woodul, President of the Senate.

Sir: I am directed by the House to inform the Senate that the House has passed the following bill and resolutions:

H. B. No. 1, A bill to be entitled "An Act making an appropriation of the sum of Two Hundred and Fifty Thousand Dollars (\$250,000), or so much thereof as may be necessary, out of any funds in the State Treasury, not otherwise appropriated, to pay the contingent expenses, and to pay the mileage and per diem of members and the per diem of officers and employes of the Regular Session of the Forty-fifth Legislature, and to pay any unpaid accounts of the Third Called Session of the Forty-fourth Legislature, and declaring an emergency."

H. C. R. No. 1, Relating to the abduction and murder of Charles Mattson of Tacoma, Washington.

S. C. R. No. 2, Providing for a joint committee of five from the Senate and five from the House of Representatives to count the votes in the recent election for Governor and Lieutenant Governor, etc.

Respectfully submitted,

LOUISE SNOW PHINNEY,

Chief Clerk, House of Representatives.

House Bill No. 1.

H. B. No. 1, received from the House today, was laid before the Senate, read first time and referred to the Committee on Finance.

Senator Redditt, Chairman of the Committee on Finance, by unanimous consent, submitted at this time the report of the committee on H. B. No. 1.

On motion of Senator Redditt, and by unanimous consent, Senate Rule No. 31a and Senate Rule No. 48 were suspended severally, to permit consideration of H. B. No. 1 at this time.

Senator Redditt moved that the constitutional rule requiring bills to be read on three several days be suspended and that H. B. No. 1 be placed on its second reading and passage to a third reading.

The motion prevailed by the following vote:

Yeas—27.

Aikin.	Redditt.
Beck.	Roberts.
Brownlee.	Shivers.
Collie.	Sulak.
Cotten.	Van Zandt.
Davis.	Weinert.
Head.	Lemens.
Hill.	Moore.
Holbrook.	Neal.
Isbell.	Nelson.
Newton.	Westerfeld.
Oneal.	Winfield.
Pace.	Woodruff.
Rawlings.	

Absent—Excused.

Burns.	Spears.
Small.	Stone.

The President then laid H. B. No. 1 before the Senate on its second reading and passage to a third reading.

The bill was read second time.

Senator Redditt offered the following amendment to the bill:

Amend H. B. No. 1, Section 4, by striking out in the last line of said section, the following:

"as it has been done in House Journal" and substitute in lieu thereof the following:

"as the Senate and House may direct."

The amendment was adopted.

The bill as amended was then passed to third reading.

Senator Redditt moved that the constitutional rule requiring bills to be read on three several days be suspended and that H. B. No. 1 be placed on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—27.

Aikin.	Davis.
Beck.	Head.
Brownlee.	Hill.
Collie.	Holbrook.
Cotten.	Isbell.

Lemens.	Roberts.
Moore.	Shivers.
Neal.	Sulak.
Nelson.	Van Zandt.
Newton.	Weinert.
Oneal.	Westerfeld.
Pace.	Winfield.
Rawlings.	Woodruff.
Redditt.	

Absent—Excused.

Burns.	Spears.
Small.	Stone.

The President laid H. B. No. 1 before the Senate on its third reading and final passage.

The bill was read third time and was passed by the following vote:

Yeas—27.

Aikin.	Newton.
Beck.	Oneal.
Brownlee.	Pace.
Collie.	Rawlings.
Cotten.	Redditt.
Davis.	Roberts.
Head.	Shivers.
Hill.	Sulak.
Holbrook.	Van Zandt.
Isbell.	Weinert.
Lemens.	Westerfeld.
Moore.	Winfield.
Neal.	Woodruff.
Nelson.	

Absent—Excused.

Burns.	Spears.
Small.	Stone.

House Concurrent Resolution No. 2.

On motion of Senator Shivers and by unanimous consent, the rule requiring resolutions to be referred to a committee was suspended for the purpose of considering H. C. R. No. 2 at this time.

The President then laid before the Senate, for consideration at this time:

H. C. R. No. 2, Relating to mileage and per diem of members of the Forty-fifth Legislature.

The resolution was read and was adopted.

House Concurrent Resolution No. 1.

On motion of Senator Aikin and by unanimous consent, the rule requiring resolutions to be referred to a committee was suspended for the purpose of considering H. C. R. No. 1 at this time.

The President then laid before the Senate, for consideration at this time, the following resolution:

H. C. R. No. 1, Relating to the abduction and murder of Charles Mattson in the State of Washington.

The resolution was read and was adopted.

Appointment Announced.

In accordance with Senate Resolution No. 5, adopted on yesterday, the President announced the appointment of Senator Oneal to attend the Third General Assembly of the Council of State Governments to be held in Washington, D. C., January 21st to January 24th, 1937.

Senate Bill No. 44.

Senator Aikin moved that the constitutional rule limiting consideration of bills by committees during the first 30 days of the Regular Session of the Legislature be suspended for the purpose of allowing consideration by the Committee on Civil Jurisprudence of S. B. No. 44.

The motion prevailed by the following vote:

Yeas—27.

Aikin.	Newton.
Beck.	Oneal.
Brownlee.	Pace.
Collie.	Rawlings.
Cotten.	Redditt.
Davis.	Roberts.
Head.	Shivers.
Hill.	Sulak.
Holbrook.	Van Zandt.
Isbell.	Weinert.
Lemens.	Westerfeld.
Moore.	Winfield.
Neal.	Woodruff.
Nelson.	

Absent—Excused.

Burns.	Spears.
Small.	Stone.

Recess.

On motion of Senator Redditt, the Senate, at 10 o'clock a. m., took recess to 11:00 o'clock a. m. today.

The President called the Senate to order at 11:00 o'clock a. m.

Senate Concurrent Resolution No. 4.

Senator Brownlee offered the following resolution:

Be It Resolved by the Senate of Texas, the House of Representatives concurring, That the Senate and the House of Representatives meet in joint session at 3:00 p. m. January 14, 1937, in the Hall of the House of Representatives for the purpose of counting the votes and certifying the election of the Governor and the Lieutenant Governor.

The resolution was read.

On motion of Senator Brownlee, and by unanimous consent, the rule requiring resolutions to be referred to a committee was suspended for the purpose of considering the resolution at this time.

The resolution was adopted.

Senate Resolution No. 6.

Senator Newton offered the following resolution:

Whereas, our fellow colleague, Albert Stone, is ill at his home in Brenham, Texas, and is unable to attend the opening sessions of the Forty-fifth Legislature; and

Whereas, We deeply regret his illness and inability to be present; now, therefore, be it

Resolved by the Senate of the State of Texas, That we extend our sincere wish for his speedy recovery; and, be it further

Resolved, That the Secretary of the Senate be instructed to send suitable flowers to our colleague at his home, and same to be paid out of contingent expense of the Senate.

(Signed) Newton, Aikin, Beck, Brownlee, Burns, Collie, Cotten, Davis, Head, Hill, Holbrook, Isbell, Lemens, Moore, Neal, Nelson, Oneal, Pace, Rawlings, Redditt, Roberts, Shivers, Small, Spears, Sulak, Van Zandt, Weinert, Westerfeld, Winfield, Woodruff, Woodul—Lieutenant Governor.

The resolution was read.

On motion of Senator Newton and by unanimous consent, the rule requiring resolutions to be referred to a committee was suspended for the purpose of considering the resolution at this time.

The resolution was adopted unanimously.

Report of Standing Committee.

Senator Moore, Vice-Chairman, by unanimous consent, submitted the re-

port of the Committee on Civil Jurisprudence on S. B. No. 44.

(See appendix for report in full.)

Recess.

On motion of Senator Moore, the Senate, at 11:15 o'clock a. m., took recess to 2:55 o'clock p. m. today.

Afternoon Session.

The Senate was called to order at 2:55 o'clock p. m. by the President.

Message From the House.

A Clerk from the House was recognized to present the following message:

Hall of the House of Representatives, Austin, Texas, Jan. 14, 1937.

Hon. Walter F. Woodul, President of the Senate.

Sir: I am directed by the House to inform the Senate that the House has passed the following bill:

H. B. No. 69, A bill to be entitled "An Act to declare a closed season on the killing of quail and bobwhites in Van Zandt County for a period ending January 15, 1939, prescribing a penalty therefor, and declaring an emergency."

The House has passed the following resolution:

S. C. R. No. 4, Providing for a joint session of the House of Representatives and the Senate at 3 p. m. January 14, 1937, for the purpose of counting the votes and certifying the election of the Governor and the Lieutenant Governor, etc.

The following committee has been appointed on the part of the House for the purpose of counting the votes received in the last election by the Governor and the Lieutenant Governor, etc:

Messrs. Knetsch, Baker, Cleveland, McFarland and Metcalfe.

The House has concurred in Senate amendments to House Bill No. 1 by a vote of 118 yeas, 3 nays.

Respectfully submitted,

LOUISE SNOW PHINNEY,
Chief Clerk, House of Representatives.

Senate Bills on First Reading.

By unanimous consent, the following Senate bills, at this time, were introduced, read severally first time, and referred by the President to ap-

propriate standing committees, as follows:

By Senators Weinert and Shivers:

S. B. No. 55, A bill to be entitled "An Act to amend Section 1 of Chapter 144, Acts Regular Session of the Forty-fourth Legislature, page 383, of the compiled laws of said session, and declaring an emergency."

Referred to Committee on Game and Fish.

By Senators Van Zandt and Hill:

S. B. No. 56, A bill to be entitled "An Act to amend Articles 624 and 625 of the Penal Code of the State of Texas of 1925, so as to include within the terms and meaning of said articles any race, or contest of speed, skill or endurance of, by, or between dogs; and declaring an emergency."

Referred to Committee on Criminal Jurisprudence.

By Senator Holbrook:

S. B. No. 57, A bill to be entitled "An Act providing for rural school supervisors in certain counties; prescribing how and for what length of term said supervisor shall be elected; prescribing the duties of said supervisors; prescribing the qualifications of said supervisors; prescribing the salaries of such supervisors; and prescribing other things incidental to said purpose, and declaring an emergency."

Referred to Committee on Educational Affairs.

By Senator Holbrook:

S. B. No. 58, A bill to be entitled "An Act defining indigent and non-indigent patients in State and psychopathic hospitals, providing for their support and that the State be reimbursed for the support, maintenance and treatment of non-indigent patients, declaring who are liable for the support, maintenance and treatment of non-indigent patients, providing that the State Board of Control may demand and conduct investigations in the county court to determine the ability of patients or those liable for their support to pay therefor, authorizing contracts for the support, maintenance and treatment of patients in State and psychopathic hospitals, and providing that suits may be instituted to collect for the support, maintenance and treatment of patients, and that

the county and district attorneys shall represent the State in such suits and prescribing the fee for so doing, repealing all laws in conflict herewith, and declaring an emergency."

Referred to Committee on Public Health.

By Senator Woodruff:

S. B. No. 59, A bill to be entitled "An Act defining certain words, terms, and phrases; providing that before any restraining order or injunction shall issue to restrain the collection of certain special taxes, fees and penalties, the applicant therefor shall pay into the suspense account of the Treasurer all taxes, fees and penalties then due and thereafter becoming due during the pendency of said injunction; requiring applicant for injunction to keep certain records and file certain reports and describing the records to be kept and detailing the information required in the reports; providing that the injunction or restraining order shall be dismissed or dissolved after hearing for failure to comply with the provisions of this Act or for the violation of the same and providing for the manner and time of said hearing and the service of notice; fixing venue for such injunction proceedings; providing that any State official authorized to enforce the collection of tax involved in said injunction may file affidavit of such violations with the court; providing for the disposition of such funds paid into the suspense account of the Treasurer after final judgment; prohibiting any person not a party to an injunction from receiving benefits therefrom; providing that if any part of this Act should be held invalid or unconstitutional such decision shall not affect the remaining portions of this Act; providing that this Act in the enforcement of its provisions shall apply and control all other laws or parts of laws in this State, and declaring an emergency."

Referred to Committee on Civil Jurisprudence.

Bill Signed.

The President signed in the presence of the Senate, after giving due notice thereof and its caption had been read the following enrolled bill:

H. B. No. 1, "An Act making an appropriation of the sum of Two Hundred and Fifty Thousand Dollars (\$250,000), or so much thereof as may be necessary, out of any funds in the State Treasury, not otherwise appropriated, to pay the contingent expenses, and to pay the mileage and per diem of members and the per diem of officers and employees of the Regular Session of the Forty-fifth Legislature, and to pay any unpaid accounts of the Third Called Session of the Forty-fourth Legislature, and declaring an emergency."

Senate Bill No. 55.

Senator Weinert moved that the constitutional rule limiting consideration of bills by committees during the first 30 days of the regular session be suspended to allow consideration by the Committee on Game and Fish of S. B. No. 55.

The motion prevailed by the following vote:

Yeas—26.

Aikin.	Newton.
Beck.	Oneal.
Brownlee.	Pace.
Cotten.	Rawlings.
Davis.	Redditt.
Head.	Roberts.
Hill.	Shivers.
Holbrook.	Sulak.
Isbell.	Van Zandt.
Lemens.	Weinert.
Moore.	Westerfeld.
Neal.	Winfield.
Nelson.	Woodruff.

Absent.

Collie.

Absent—Excused.

Burns.	Spears.
Small.	Stone.

House Bill No. 69 on First Reading.

H. B. No. 69, received from the House today, was laid before the Senate, read first time and referred by the President to the Committee on Game and Fish.

Joint Session.

The President announced that the hour fixed by concurrent action of the two Houses to meet in joint session to count the votes for Governor

and Lieutenant Governor had arrived.

Accordingly, the President of the Senate and Senators present repaired to the Hall of the House of Representatives at 3 o'clock p. m.

The Senators were announced at the bar of the House, and being admitted, were escorted to seats already prepared for them along the aisle.

The President of the Senate, by invitation of the Speaker, occupied a seat on the Speaker's stand.

The Speaker announced that the two Houses were in joint session to count the votes for Governor and Lieutenant Governor cast at the General Election held on Tuesday, November 3, 1936.

The President called the Senate to order and directed the Secretary to call the roll of the Senate.

The roll was called, and the following Senators were present:

Aikin.	Newton.
Beck.	Oneal.
Brownlee.	Pace.
Collie.	Rawlings.
Cotten.	Redditt.
Davis.	Roberts.
Head.	Shivers.
Hill.	Sulak.
Holbrook.	Van Zandt.
Isbell.	Weinert.
Lemens.	Westerfeld.
Moore.	Winfield.
Neal.	Woodruff.
Nelson.	

The following Senators were absent and excused:

Burns.	Spears.
Small.	Stone.

The Speaker directed the Clerk to call the roll of the House.

The roll was called, and a quorum of the House was announced present.

The President requested Senators Brownlee, Beck, Cotten, Moore and Oneal to act as the committee of tellers on the part of the Senate.

The Speaker appointed Messrs. Knetsch, Felty, McFarland, Amos and Metcalfe, as tellers on part of the House.

The Speaker then requested the joint tellers to come forward to receive the returns of votes cast at the last general election for Governor and Lieutenant Governor, which re-

turns had been duly delivered by the Secretary of State to the Speaker of the House of Representatives.

The joint tellers then proceeded to count the votes cast for Governor and Lieutenant Governor at the last general election.

When the count was completed, the joint tellers presented the following report, which was read to the joint session:

Austin, Texas, Jan. 14, 1937.

Honorable Walter Woodul, President of the Senate, and Honorable Robert W. Calvert, Speaker of the House of Representatives.

Sirs: We, your joint committee and tellers, appointed to canvass the votes cast at the last general election held in the State of Texas on November 3, 1936, for Governor and Lieutenant Governor of the State of Texas, as shown by returns delivered to us by Secretary of State, beg leave to report that we have performed that duty, and the result of our canvass is as follows:

There were cast for Governor:

	Votes
James V. Allred	782,083
C. O. Harris	58,842
Carl Brannin	962
Homer Brooks	283
Scattering and irregular	45
There were cast for Lieutenant Governor:	
Walter F. Woodul	784,005
R. W. Humphreys	56,396
Paul Pierce	952
Hal W. Fields	232
Scattering and irregular	43

All of which is respectfully submitted,

BROWNLEE,
ONEAL,
BECK,
COTTEN,

On the part of the Senate.

KNETSCH,
McFARLAND,
FELTY,
AMOS,
METCALFE,

On the part of the House.

Whereupon, Hon. Homer Leonard, occupying the Speaker's Chair temporarily, made the following announcement:

"Hon. James V. Allred, having received the highest number of votes

cast, I by virtue of the authority vested in me by the Constitution and laws of the State of Texas, declare him duly, legally and constitutionally elected Governor of the State of Texas for the ensuing term of two years; and Hon. Walter F. Woodul, having received the highest number of votes cast, I by virtue of the authority vested in me by the Constitution and laws of the State of Texas, declare him duly, legally and constitutionally elected Lieutenant Governor of the State of Texas for the ensuing term of two years."

The President of the Senate then announced that the business of the joint session had been concluded, and requested the Senators to repair in a body to the Senate Chamber.

In the Senate.

The President called the Senate to order at 5:40 o'clock p. m.

Message From the House.

A Clerk from the House was recognized to present the following message:

Hall of the House of Representatives,
Austin, Texas, Jan. 14, 1937.
Hon. Walter F. Woodul, President of the Senate.

Sir: I am directed by the House to inform the Senate that the House has passed the following resolutions:

H. C. R. No. 5, Granting permission to the House of Representatives and Senate to adjourn from Thursday, January 14, 1937, to Monday, January 18, 1937.

H. C. R. No. 6, Defraying the expenses incident to the inauguration preparations.

Respectfully submitted,

LOUISE SNOW PHINNEY,
Chief Clerk, House of Representatives.

House Bill No. 69.

Senator Pace moved to suspend the constitutional rule limiting the consideration of bills by committees and their passage by the Legislature during the earlier days of the regular session, to allow consideration by the Committee on Game and Fish and the passage by the Senate of House Bill No. 69.

The motion prevailed by the following vote:

Yeas—26.

Aikin.	Nelson.
Beck.	Newton.
Brownlee.	Oneal.
Collie.	Pace.
Cotten.	Rawlings.
Davis.	Redditt.
Head.	Roberts.
Hill.	Sulak.
Holbrook.	Van Zandt.
Isbell.	Weinert.
Lemens.	Westerfeld.
Moore.	Winfield.
Neal.	Woodruff.

Absent.

Shivers.

Absent—Excused.

Burns.	Spears.
Small.	Stone.

Senator Pace, by unanimous consent, submitted the report of the Committee on Game and Fish on H. B. No. 69.

On motion of Senator Pace and by unanimous consent, the rule requiring committee reports to lie over one day was suspended, to permit consideration of the bill at this time.

Senator Pace moved that the constitutional rule requiring bills to be read on three several days be suspended and that H. B. No. 69 be placed on its second reading and passage to a third reading.

The motion prevailed by the following vote:

Yeas—26.

Aikin.	Nelson.
Beck.	Newton.
Brownlee.	Oneal.
Collie.	Pace.
Cotten.	Rawlings.
Davis.	Redditt.
Head.	Roberts.
Hill.	Sulak.
Holbrook.	Van Zandt.
Isbell.	Weinert.
Lemens.	Westerfeld.
Moore.	Winfield.
Neal.	Woodruff.

Absent.

Shivers.

Absent—Excused.

Burns.	Spears.
Small.	Stone.

The President then laid H. B. No. 69 before the Senate on its second reading and passage to a third reading.

The bill was read second time and was passed to a third reading.

Senator Pace moved that the constitutional rule requiring bills to be read on three several days be suspended and that H. B. No. 69 be placed on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—27.

Aikin.	Newton.
Beck.	Oneal.
Brownlee.	Pace.
Collie.	Rawlings.
Cotten.	Redditt.
Davis.	Roberts.
Head.	Shivers.
Hill.	Small.
Holbrook.	Van Zandt.
Isbell.	Weinert.
Lemens.	Westerfeld.
Moore.	Winfield.
Neal.	Woodruff.
Nelson.	

Absent—Excused.

Burns.	Stone.
Spears.	Sulak.

The President then laid H. B. No. 69 before the Senate, on its third reading and final passage.

The bill was read third time, and was passed by the following vote:

Yeas—27.

Aikin.	Newton.
Beck.	Oneal.
Brownlee.	Pace.
Collie.	Rawlings.
Cotten.	Redditt.
Davis.	Roberts.
Head.	Shivers.
Hill.	Sulak.
Holbrook.	Van Zandt.
Isbell.	Weinert.
Lemens.	Westerfeld.
Moore.	Winfield.
Neal.	Woodruff.
Nelson.	

Absent—Excused.

Burns.	Spears.
Small.	Stone.

Resolutions Signed.

The President signed the enrolled copies of House Concurrent Resolutions Nos. 1 and 2 in the presence of the Senate.

House Concurrent Resolution No. 6.

The President laid before the Senate the following resolution received from the House today:

H. C. R. No. 6, Relating to payment of expenses of the inauguration of the Governor and Lieutenant Governor.

The resolution was read.

On motion of Senator Brownlee and by unanimous consent, the rule requiring resolutions to be referred to a committee was suspended, and the resolution was adopted at this time.

House Concurrent Resolution No. 5.

The President laid before the Senate the following resolution received from the House today:

H. C. R. No. 5, Relating to adjournment of the House and the Senate for a period of more than three days.

The resolution was read and by unanimous consent, it was considered at this time and was adopted.

Adjournment.

On motion of Senator Rawlings, the Senate, at 5:55 o'clock p. m., adjourned until 10 o'clock a. m., Monday, January 18, 1937.

APPENDIX.

Reports of Standing Committees.

Committee Room,

Austin, Texas, Jan. 13, 1937.

Hon. Walter F. Woodul, President of the Senate.

Sir: We, your Committee on Finance, to whom was referred

H. B. No. 1, A bill to be entitled "An Act making an appropriation of the sum of Two Hundred Fifty Thousand Dollars (\$250,000.00), or so much thereof as may be necessary, out of any funds in the State Treasury, not otherwise appropriated, to pay the contingent expenses, and to pay the mileage and per diem of members and the per diem of officers and employees of the Regular Session of the Forty-fifth Legislature, and to pay any unpaid accounts

of the Third Called Session of the Forty-fourth Legislature, and declaring an emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass and be not printed.

REDDITT, Chairman.

Committee Room.

Austin, Texas, Jan. 14, 1937.

Hon. Walter F. Woodul, President of the Senate.

Sir: We, your Committee on Civil Jurisprudence, to whom was referred

S. B. No. 44, A bill to be entitled "An Act validating, confirming, approving and legalizing all proceedings had by cities and towns, including home rule cities, in the issuance and sale of bonds, and in holding elections passing orders, ordinances and resolutions authorizing the issuance of such bonds, and further validating all proceedings in voting and authorizing the issuance of bonds heretofore authorized, but not yet issued and sold, prescribing the terms and conditions upon which such bonds shall be validated; providing that this Act shall not apply to any such proceedings, obligations issued thereunder, the validity of which has been contested or attacked in a pending suit or litigation, and declaring an emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass with committee amendments, and be printed.

MOORE, Vice-Chairman and Acting Chairman.

Committee Amendment No. 1.

Amend Senate Bill No. 44 by substituting the following in lieu of Section No. 1 of the bill:

"Section 1. All bonds voted by cities or towns where the only defect is the giving of notice of the election for more than thirty days but not more than 60 days are hereby validated."

Committee Amendment No. 2.

Amend the caption of Senate Bill No. 44 to conform to the body of the bill as amended.

Committee Room,

Austin, Texas, Jan. 14, 1937.

Hon. Walter F. Woodul, President of the Senate.

Sir: We, your Committee on Game and Fish, to whom was referred

H. B. No. 69, A bill to be entitled "An Act to declare a closed season on the killing of quail and bobwhites in Van Zandt County for a period ending January 15, 1939, prescribing a penalty therefor, and declaring an emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass and be not printed.

WEINERT, Chairman.

Committee Room,

Austin, Texas, Jan. 14, 1937.

Hon. Walter F. Woodul, President of the Senate.

Sir: We, your Committee on Enrolled Bills, have had S. C. R. No. 2 carefully examined and compared and find same correctly enrolled.

WESTERFELD, Chairman.

Committee Room,

Austin, Texas, Jan. 13, 1937.

Hon. Walter F. Woodul, President of the Senate.

Sir: We, your Committee on Enrolled Bills, have had S. C. R. No. 3 carefully examined and compared and find same correctly enrolled.

WESTERFELD, Chairman.

Committee Room,

Austin, Texas, Jan. 14, 1937.

Hon. Walter F. Woodul, President of the Senate.

Sir: We, your Committee on Enrolled Bills, have had S. C. R. No. 4 carefully examined and compared and find same correctly enrolled.

WESTERFELD, Chairman.

FOURTH DAY.

(Monday, January 18, 1937.)

The Senate met at 10 o'clock a. m., pursuant to adjournment, and was called to order by the President.

Oath of Office Administered.

Senator-elect Clint C. Small took the constitutional oath of office, which was administered to him by the President.